

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Albert R. Steward, III,

Plaintiff,

v.

ORDER

Civil File No. 10-469 (MJD/FLN)

Wells Fargo Bank, et al.,

Defendant.

Albert R. Steward, III, pro se.

Amy L. Schwartz and Richard T. Thomson, Lapp Libra Thomson Stoeber & Pusch, Chartered, Counsel for Defendant.

The above-entitled matter comes before the Court on the Order and Report and Recommendation of United States Magistrate Judge Franklin L. Noel, dated June 10, 2011 [Docket No. 106]. Plaintiff Albert Steward, III, filed objections to the Order and Report and Recommendation [Docket Nos. 107, 108]. Plaintiff's objections are specifically titled Objections to Magistrate Judge's Report and Recommendations. However, the Court finds that Plaintiff's objection to Magistrate Judge Noel's denial of Plaintiff's Motion to Strike Plaintiff's Untimely

Response [Docket No. 61] is in fact an objection to a magistrate judge's nondispositive order.

This Court will reverse a magistrate judge's order on a nondispositive issue if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); D. Minn. L.R. 72.2(a). The Court has reviewed the submissions and the record in this case and concludes that Magistrate Judge Franklin L. Noel's June 10, 2011 Order which denied Plaintiff's Motion to Strike is neither clearly erroneous nor contrary to law. Therefore, the June 10 Order denying Plaintiff's Motion to Strike Defendant's Untimely Response is **AFFIRMED**.

With regard to Magistrate Judge Noel's Report and Recommendation, pursuant to statute, the Court has conducted a de novo review of the record, including all transcripts filed and exhibits submitted to the Court. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Noel's June 10, 2011 Order [Docket No. 106] is **AFFIRMED**.

2. Plaintiff's Motion to Strike Defendant's Untimely Response [Docket No. 61] is **DENIED**.
3. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation dated June 10, 2011 [Docket No. 106].
4. Plaintiff's Motion for Summary Judgment [Docket No. 20] is **DENIED**.
5. Defendant's Motion for Summary Judgment [Docket No. 77] is **GRANTED**
6. This matter is **DISMISSED WITH PREJUDICE**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 28, 2011

s/Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court